IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL SIDE JURISDICTION
WRIT PETITION NO.7288 OF 2003

The Municipal Corporation ...Petitioner.
V/s.
Smt.Tarabai Gurunath Barve & Anr. ...Respondents.

Mr.V.G.Mujumdar, adv. for the Petitioner.

Ms.Indrayani Koparkar, adv.for the Respondents.

CORAM: J.H.BHATIA, J.
DATE : September 29, 2007.

P.C.:

1. Heard the learned counsel for the Parties. Perused the record.

2. The Small Cause Court, Pune had allowed the appeal of the assessee and reduced the rateable value from Rs.30,850/- to Rs.8,330/-. The Municipal Corporation preferred an appeal and after taking into consideration the evidence led by the parties, the District Court allowed the appeal partly and fixed the rateable value at Rs.16,021/-. It appears that the construction was made in two parts. First construction was made in the year 1966 for which the rateable value was fixed at Rs.2,750/-. The assessee examined the architect, who had given valuation report on the basis of cost of additional construction. Rateable value of

additional construction was fixed at Rs.13,271/- The Corporation contended that there were some Kenyan students living in the house as tenants and paying rent of Rs.2,750/-. However, no such evidence was placed before the Court by the Corporation. It's officer was also not examined. After going through the record, I find that District Court had rightly fixed the rateable value. There is no substance in the petition.

3. It may be noted that the respondent assessee had also filed writ petition no.2711 of 2003 and after hearing both the parties that petition was dismissed. At that time, the Corporation did not ask for hearing of both the petitions simultaneously. Taking into consideration these circumstances, I find no substance to admit the petition.

4. Writ Petition stands dismissed summarily.

(J.H.Bhatia,J.)